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Kirkendall Testifies Before Senate

On March 25, 1980, Richard S. Kirkendall, professor of history at Indiana University and executive secretary of the Organization of American Historians, testified before the Senate Select Committee on Intelligence concerning provisions in two bills before Congress that would exempt the CIA from the provisions of the Freedom of Information Act. Kirkendall appeared on behalf of OAH and the AHA. His testimony is excerpted below.

American historians are deeply worried about provisions in measures recently introduced by Senator Walter D. Huddleston (S.2284) and Senator Daniel P. Moynihan (S.2216). We are concerned that if either of these bills is passed intact, historians and others, now and in the future, would no longer be able to obtain access to information in Central Intelligence Agency files, either through the Freedom of Information Act or any other law, even though such information might be unclassified and would not reveal intelligence sources or methods. Thus, an extremely important resource for historians and other scholars studying American foreign relations would be cut off. Furthermore, if the CIA is successful in this effort, it is entirely likely that other government agencies such as the Department of Defense, the Department of Justice, the Federal Trade Commission, and the State Department will also attempt to gain similar exception from the FOIA thereby further denying scholars public records indispensable to their scholarly research.

Most, if not all, historians of the Organization of American Historians and American Historical Association recognize the need for some restrictions on access to records of federal agencies and public officials in the interests of protecting national security and private rights. Traditionally historians have been less inclined than journalists or political scientists to demand immediate access to all records. Historians tend to recognize that they have a responsibility to make certain that a historical record is created, that once it is created it is preserved, and that once preserved it is made available for scholarly research after a reasonable period of time. We have found little evidence that the FOIA as applied to the CIA or other agencies seeking exemption from the law has harmed national security or impaired legitimate private rights of individuals. We do have evidence, however, that the act has already been used by historians to produce scholarly works of lasting value.

Historians have used the Freedom of Information Act in a variety of ways and while a few of them have been critical of the FOIA, a great many have found the act to be an invaluable tool aiding scholarly research. This observation is especially true for historians working in recent United States history, particularly in the years since 1945 and the end of World War II, a period that is now attracting an increasing number of historians. This development has taken place at least in part because we live in an age of rapid social change, a time when many of our problems seem new, or at least increasingly complex. History, the study of the past, while it may be but a "smoky pine that lights the path but one step ahead," is one of the very few guides we have to help us meet wisely the problems of the present and the future. It offers us an opportunity to gain a sense of perspective, which is so essential if we are to survive as a free society. . . .

Historians realize that the imperatives of law enforcement and intelligence gathering make immediate access to all government records impractical and that strong arguments have been made for some restrictions. But arguments for restrictions always rest on certain assumptions and we must constantly be willing to recognize and test those assumptions. We believe that the imperatives of a free society require that records of such important agencies as the CIA be maintained and that at an appropriate time be made available for scholarly research, so that historians can play their essential roles as servants of the people's right to know about the workings of their government and reviewers of the historical conceptions and interpretations that figure crucially in the shaping of policy. In the past we have supported a ten-year time limit on presidential papers after which period "documents should be made available to all researchers on an equal basis." Such a period of exemption may be appropriate for the CIA. What is required are not more restrictive measures but rather better guidelines for the earliest possible declassification of government records. I personally doubt that FOIA is the ideal system. Early, systematic, wide-scale declassification seems superior, for it would be less costly in time, a precious commodity for scholars, and would encourage harmonious, cooperative relations between researchers and archivists, a condition that facilitates research. But the FOIA is an essential part of the system that exists, and no part of government is so important or unimportant as to be free from examination by historians.